

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GAIL VINCENT,

Plaintiff,

v.

BELINDA STEWART, et al.,

Defendants.

CASE NO. C16-5023 RBL-KLS

REPORT AND RECOMMENDATION
Noted for: April 29, 2016

Plaintiff Gail Vincent is presently confined at the Stafford Creek Corrections Center (SCCC). On January 11, 2016, he filed a proposed 42 U.S.C. § 1983 civil rights complaint. Dkt. 1, 7. The Court declined to serve the complaint and granted leave to amend. Dkt. 12. In response, plaintiff filed a motion to dismiss without prejudice or to amend, requesting that the court to dismiss all or a portion of his complaint without prejudice to reasserting the claims later in his lawsuit. Dkt. 13. Plaintiff then submitted a proposed amended complaint. Dkt. 15 and 16. The Court has reviewed plaintiff's proposed amended complaint and due to additional deficiencies, is declining to serve the amended complaint. However, under separate order, the Court is providing plaintiff another opportunity to amend, which moots those concerns raised in his motion to dismiss.

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2 **CONCLUSION**

3 Accordingly, it is recommended that plaintiff's motion to dismiss without prejudice or to
4 amend (Dkt. 13) be denied without prejudice.

5 Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have
6 fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P.
7 6. Failure to file objections will result in a waiver of those objections for purposes of appeal.
8 *Thomas v. Arn*, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule 72(b), the
9 Clerk is directed to set the matter for consideration on **April 29, 2016**, as noted in the caption.

10 Dated this 11th day of April, 2016.

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13 Karen L. Strombom
14 United States Magistrate Judge
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